

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SHANICE ALSTON and NICE OSORIO, on behalf :
of themselves and all others similarly situated, :

Plaintiffs, :

-against- :

CITYWIDE MOBILE RESPONSE CORP. et al., :

Defendants. :

21-CV-8380 (JHR) (OTW)

ORDER

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ONA T. WANG, United States Magistrate Judge:

The Court has received the parties' notice (ECF 70) that they have reached a settlement in this case. They are directed to notify the Court, by filing on the docket, no later than **5:00 p.m. on August 4, 2023**, how they elect to proceed:

1. Whether the parties wish to proceed by offer of judgment under Fed. R. Civ. P. 68(a) (*see Mei Xing Yu v. Hasaki Rest., Inc.*, 944 F.3d 395 (2d Cir. 2019)) in lieu of filing a motion for approval of the settlement under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).
2. If the parties elect to proceed by filing a motion for approval of the settlement under *Cheeks*, whether they would consent to a decision by the undersigned in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, and a proposed date for filing their *Cheeks* motion. If so, the consent form shall be filed by **August 4, 2023**.
3. In the absence of any filing by the parties by **5:00 p.m. on August 4, 2023**, the Court sets the due date for the *Cheeks* motion to be **August 31, 2023**. **Any extensions of that date shall be made to the Judge who will be deciding the motion, and the**

Court makes no representations whether such extension might be granted.

The *Cheeks* motion shall include a joint proposed settlement agreement for approval. The parties shall attach to the executed settlement agreement a joint letter motion explaining why the settlement agreement is fair and reasonable under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). The letter motion should provide sufficient detail on the method used to determine the settlement amount as well as detailed billing records to support any claim for attorney's fees.

SO ORDERED.

Dated: August 1, 2023
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge